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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN LYNCH,

Plaintiff,

20 CIVIL 10081 (VEC)(BCM)

-v-

JUDGMENT

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Stipulation and Order dated September 17, 2021, that this action be, and hereby is, reversed and remanded to the Commissioner of Social Security, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. Remand is required pursuant to Carr v. Saul, 141 S. Ct. 1352 (2021), in which the Supreme Court held that a claimant need not raise an Appointments Clause claim before the Agency, but may instead present it for the first time in federal court. Here, Plaintiff has raised an Appointments Clause claim in his written proposal of settlement to counsel for the Commissioner. Accordingly, on remand, the Appeals Council will assign Plaintiff's case to a different Administrative Law Judge to further evaluate Plaintiff's claims, offer Plaintiff the opportunity for a new hearing, and issue a new decision.

Dated: New York, New York
September 20, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

K. Margo
Deputy Clerk